

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOHN GAGLIARDI,

Plaintiff,

v.

HON. DONALD J. LEE, et al.,

Defendants.

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CIVIL ACTION NO. 3:02-CV-1126

(JUDGE CAPUTO)

**MEMORANDUM**

Presently before the Court is Plaintiff's motion for reconsideration filed pursuant to Rule 59(e) of the Federal Rules of Civil Procedure. (Doc. 49.) Although Defendants neglected to file a brief in opposition, the matter is ripe for disposition.

The purpose of a motion for reconsideration is to correct manifest error of law or fact, or to present newly discovered evidence. *Harsco Corp. v. Zlotnicki*, 779 F.2d 906, 909 (3d Cir. 1985). The Court may grant a motion for reconsideration only if the moving party shows: (1) an intervening change in the controlling law; (2) the availability of new evidence that was not available when the Court issued its order; or (3) the need to correct a clear error of law or fact or to prevent manifest injustice. *Max's Seafood Café v. Quinteros*, 176 F.3d 669, 677 (3d Cir. 1999) (citing *N. River Ins. Co. v. CIGNA Reinsurance Co.*, 52 F.3d 1194, 1218 (3d Cir. 1995)). Litigants should not use a motion for reconsideration to reargue matters already argued and disposed of by prior rulings or to put forth additional arguments that the litigant neglected to make prior to judgment. See *Dodge v. Susquehanna Univ.*, 796 F. Supp. 829, 830 (M.D. Pa. 1992). In

deference to the strong interest in the finality of judgments, courts should grant motions for reconsideration sparingly. *Cont'l Cas. Co. v. Diversified Indus., Inc.*, 884 F. Supp. 937, 943 (E.D. Pa. 1995).

Here, it is clear that Plaintiff seeks to raise new arguments and re-litigate those issues disposed of by the Court's March 23, 2005, Memorandum and Order. Plaintiff has failed to point to any intervening change in law, newly available evidence, clear error of law or fact committed by the Court, or resulting manifest injustice. Accordingly, Plaintiff's motion for reconsideration will be denied.

June 3, 2005  
Date

/s/ A. Richard Caputo  
A. Richard Caputo  
United States District Judge

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(JUDGE CAPUTO)

**ORDER**

**NOW**, this 3rd day of June, 2005, **IT IS HEREBY ORDERED THAT**

Plaintiff's motion for reconsideration is **DENIED**.

/s/ A. Richard Caputo  
A. Richard Caputo  
United States District Judge